

Reed Kathrein (Cal. Bar No. 139304)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, California 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
reed@hbsslaw.com

Steve W. Berman
Thomas E. Loeser (Cal. Bar No. 202724)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
toml@hbsslaw.com

Peter B. Fredman (Cal. Bar No. 189097)
LAW OFFICE OF PETER B. FREDMAN
125 University Avenue, Suite 102
Berkeley, CA 94710
Telephone: (510) 868-2626
Facsimile: (510) 868-2627
peter@peterfredmanlaw.com

Attorneys for Plaintiffs HUGO ZALDANA
and GARY GUARDINEER, individually
and on behalf of all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HUGO ZALDANA and GARY GUARDINEER,) individually, and on behalf of all others similarly situated,

Plaintiffs,

v.

KB HOME, a Delaware corporation;
COUNTRYWIDE FINANCIAL
CORPORATION dba COUNTRYWIDE HOME
LOANS, a Delaware corporation; and
FIRST AMERICAN TITLE COMPANY, a
California corporation,

Defendants.

No. 08-3399 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE**

STIPULATION

WHEREAS, this action was originally filed on July 15, 2008;

WHEREAS, Plaintiff Hugo Zaldana filed a Stipulation and Proposed Order For Substitution Of Counsel on or about August 26, 2008;

WHEREAS, the Hagens Berman law firm filed a Notice of Association of Counsel for Plaintiff on or about August 27, 2008;

WHEREAS, pursuant to Plaintiff's Declination To Proceed Before a Magistrate Judge, this matter was reassigned to the Honorable Maxine M. Chesney on or about August 29, 2008;

WHEREAS, service was effected by agreement on Defendants KB Home and Countrywide Financial Corporation and related entities by means of Acknowledgements of Service on September 12, 2008;

WHEREAS, Plaintiffs filed a First Amended Complaint, adding a new Defendant, First American Title Company, on or about October 9, 2008;

WHEREAS, pursuant to the Case Management Conference Order issued on September 9, 2008, the Initial Case Management Conference in this matter is currently set for October 31, 2008 at 10:30 a.m.;

WHEREAS, the parties are cooperating, and believe that the interests of the judicial economy would be served by a continuance of the Initial Case Management Conference in order to obtain Defendant First American Title Company's appearance in the case, to allow for the filing of Defendants' responsive pleadings prior to the Case Management Conference, to meet and confer on the agenda items for the Initial Case Management Conference, to prepare a Joint Case Management Conference Statement, and so forth.

THEREFORE, the parties hereby stipulate to and request:

1. that the Initial Case Management Conference be continued to December 5, 2008, or such other subsequent date as is convenient to the Court; and

2. that December 1, 2008 be set as the deadline for Defendants' filing of responsive pleadings, with any Motion to Dismiss hearings to be set no earlier January 30, 2009.

///

STIPULATION

IT IS SO STIPULATED

DATED: October 20, 2008

HAGENS BERMAN SOBOL SHAPIRO LLP
LAW OFFICE OF PETER B. FREDMAN

By: /S/ Peter Fredman
Peter B. Fredman
Attorneys for Plaintiffs HUGO ZALDANA and
GARY GUARDINEER, individually, and on
behalf of all others similarly situated

DATED: October 20, 2008

BRYAN CAVE LLP

By: /S/ Robert E. Boone
Robert E. Boone III
Jennifer A. Jackson
Attorneys for Defendant COUNTRYWIDE
FINANCIAL CORPORATION

DATED: October 20, 2008

K & L GATES LLP

By: /S/ Matthew G. Ball
Matthew G. Ball
Attorneys for Defendant KB HOME

ECF CERTIFICATION: I, Peter Fredman, the filer of this ECF Document, hereby certify that the concurrence to this stipulation has been obtained by ECF registrants Robert E. Boone III and Matthew G. Ball on behalf of their respective clients in this case. /s/ Peter Fredman

ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore,

1. The Initial Case Management Conference in the above captioned case is hereby
19, 2008
continued to December 5, 2008 at 10:30 a.m.; and

2. Defendants' responsive pleadings shall be filed no later December 1, 2008, and any
Motion to Dismiss hearings shall be set no earlier than January 30, 2009.

IT IS SO ORDERED

Dated: October 21, 2008



Hon. Maxine M. Chesney

United States District Court Judge